IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4610 OF 2004

Chandrakant Basanna Mundewadi & Anr. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri V.V. Purwant for Applicants.
Shri S. R. Shinde, APP for Respondent-State.

CORAM : A.M.KHANWILKAR, J.
DATED : 25.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. It is argued that the only material pressed into service against the applicants is two statements recorded under section 164 of so called eye witnesses namely Deepa Dolare and Meena Kamble. These statements have been recorded in February, 2004, whereas the incident occured on 10th December, 2003. Moreover, no other material is forthcoming except the aforesaid two statements. However, since the investigation is still in progress and the chargesheet is yet to be filed, having regard to the seriousness

of the offence, no reason to interfere with the view taken by the court below at this stage. Hence, dismissed.

. Dismissal of this application shall not come in the way of the applicants to prefer fresh application, after filing of the chargersheet, which will be decided in accordance with law on its own merits.

. Order accordingly.

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